

## Commissioner Lori F. Kaplan

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Text as prepared for: Wetlands 2002: Restoring Impaired Wetlands and Other Waters

Date presented: October 9, 2002, 1:30 pm – 1:45 pm

Location: Westin Hotel -- Indianapolis, IN

*(Text does not include verbatim comments)*

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- ***Introduction***

- Thank you all for coming. I hope you have enjoyed your visit to Indianapolis. Have you enjoyed the conference so far?
- I have to admit some selfish reasons for hosting this conference. You see my staff has been spying on you all week. They have been learning how to avoid your failures and copy your successes. It's great to learn from **our** mistakes, but far less painful to learn from **yours**.
- Its not just what these wonderful speakers say in their sessions, but your interactions in the hall over coffee, or over lunch that contributes to this important transfer of knowledge. What you are doing right now, this interaction, is important and should be fostered.

- ***Panel on Legal Challenges Introduction***

- Later this afternoon three speakers are going to talk about the legal challenges that we now face in regulating the impairment of waters.
- Though the SWANCC decision did not directly effect states' authority to regulate their own waters, it did remove an important regulatory mechanism – the Section 401 Water Quality Certification.
- The decision also energized many who would like to see a rollback of wetland regulation in Indiana. It was not long before we had a legal challenge of our own to deal with, and a great deal of legislative interest in our regulatory authority.
- Other legal challenges since the SWANCC case, such as Palazzolo and Borden Ranch make it clear that the regulation of water resources is under attack. A representative from the US Department of Justice will talk about other current cases and those that are expected in the near future.

- ***Federal Plenary Introduction***

- The next few speakers represent several federal agencies all addressing the impairment of our waters.
- These speakers are going to discuss means of regulating impairment, and means of restoring and rehabilitating wetlands and other waters that have been lost or impaired.
- I am particularly interested in the innovations to the National Wetland Inventory. It might be helpful to know where our resources are, and how many we have if we are to determine which of them are impaired.
- The STORMWATER II regulations will enhance our ability to regulate impairments caused by stormwater and erosion. But regulation can only do so much.
- Indiana has lost 85% of its wetland acreage. That is a deep cut. Regulation can stop the bleeding, but it will not heal the wound.
- True healing must come from restoration. For this we again need our federal partners help. Programs such as the Wetland Reserve Program and NOAA's Habitat Restoration Program have done much already. The speakers to follow will discuss how these programs work and how we can take advantage of them.

- *Closing*

- Stormwater regulation, restoration incentive programs, legal challenges – that is a lot to keep on top of. Just keeping track of all the federal, state and local players is mind-boggling. The next few speakers should help shed some light on who the federal players are and what they are up to.
- Thank you again for your participation in the conference, and all the knowledge and insight you have shared with us.